

Attachment D

Final EIS for the Skull Valley Project, Mitigation Measures Environmental Condition #3. Cultural Resources

- A. Before beginning construction of a rail line from Skunk Ridge to the Reservation, PFS shall implement all the mitigation measures required in the Memorandum of Agreement (MOA) developed through the Section 106 consultation process (stipulations of the Agreement include Items B through G, below).
- B. If PFS identifies any previously unrecorded artifacts or other cultural resources during construction activities on land under the jurisdiction of BLM, PFS shall immediately cease construction in the immediate vicinity of the discovery, inform BLM of the identified resources, and arrange for evaluation of the resources by a qualified individual to be retained by PFS.
- C. If PFS identifies any previously unrecorded artifacts or other cultural resources during construction activities on the Reservation, PFS shall immediately cease construction in the immediate vicinity of the discovery, inform BIA and the Skull Valley Band of the identified resources, and arrange for evaluation of the resources by a qualified individual to be retained by PFS with the consent of the tribe.
- D. A qualified individual shall evaluate any resources identified during construction pursuant to Conditions 3.B and 3.C and shall recommend whether such resources are eligible for listing on the *National Register*.
- E. If resources eligible for listing on the *National Register* are identified pursuant to Condition 3.D, PFS shall describe, in detail, their characteristics and take the appropriate mitigation measures determined through NHPA required consultation.
- F. Upon providing a description of cultural resources required pursuant to Condition 3.E to BLM or upon a BLM determination that cultural resources identified during construction on lands under the jurisdiction of BLM are not eligible for listing under the NHPA, PFS may resume construction on such lands.
- G. Upon providing to BIA a description of the cultural resources required pursuant to Condition 3.E above or upon a BIA determination that cultural resources identified during construction on the Reservation are not eligible for listing on the *National Register*, PFS may resume construction on the Reservation.